



# Child Care Act 1980

## 1980 CHAPTER 5

### PART II

#### ABSENCE FROM CARE

*Provisions relating to children in care of local authorities under section 2*

#### **13 Penalty for assisting children in care under s. 2 to run away etc.**

(1) Any person who—

- (a) knowingly assists or induces or persistently attempts to induce a child to whom this subsection applies to run away, or
- (b) without lawful authority takes away such a child, or
- (c) knowingly harbours or conceals such a child who has run away or who has been taken away or prevents him from returning,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding three months or to both.

This subsection applies to any child in the care of a local authority under section 2 of this Act with respect to whom a resolution is in force under section 3 of this Act and for whom accommodation (whether in a home or otherwise) is being provided by the local authority in pursuance of Part III of this Act.

(2) Except in relation to an act done—

- (a) with the consent of the local authority or
- (b) by a parent or guardian of the child who has given the local authority not less than twenty-eight days' notice of his intention to do it,

subsection (1) above shall apply to a child in the care of a local authority under section 2 of this Act (notwithstanding that no resolution is in force under section 3 of this Act with respect to the child) if he has been in the care of that local authority throughout the preceding six months; and for the purposes of the application of paragraph (b) of that subsection in such a case a parent or guardian of the child shall not be taken to have lawful authority to take him away.

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*Status: This is the original version (as it was originally enacted).*

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- (3) References in subsection (1) above to running away or taking away or to returning are references to running away or taking away from, or to returning to, a place where accommodation is or was being provided in pursuance of Part III of this Act by the local authority in whose care the child is.
- (4) Where an order of any court is in force giving custody of a child to any person, this section shall have effect in relation to that child as if for references to a parent or guardian of the child there were substituted references to that person.
- (5) The Secretary of State may by order a draft of which has been approved by each House of Parliament amend subsection (2) above by substituting a different period for the period of twenty-eight days or of six months mentioned in that subsection, or by substituting a different period for any period substituted by a previous order under this subsection.

#### **14 Harboursing or concealing child required to return to local authority**

Where a local authority have, in accordance with section 21(2) of this Act, allowed any person to take charge of a child with respect to whom a resolution under section 3 of this Act is in force and have by notice in writing required that person to return the child at a time specified in the notice (which, if that person has been allowed to take charge of the child for a fixed period, shall not be earlier than the end of that period) any person who harbours or conceals the child after that time or prevents him from returning as required by the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding two months or to both.

#### **15 Recovery of children in care under s. 2**

- (1) This section applies to a child—
  - (a) who is in the care of a local authority under section 2 of this Act; and
  - (b) with respect to whom there is in force a resolution under section 3 of this Act; and
  - (c) who—
    - (i) has run away from accommodation provided for him by the local authority under Part III of this Act; or
    - (ii) has been taken away from such accommodation contrary to section 13(1) of this Act; or
    - (iii) has not been returned to the local authority as required by a notice served under section 14 of this Act on a person under whose charge and control the child was, in accordance with section 21(2) of this Act, allowed to be.
- (2) If a justice of the peace is satisfied by information on oath that there are reasonable grounds for believing that a person specified in the information can produce a child to whom this section applies, he may issue a summons directed to the person so specified and requiring him to attend and produce the child before a magistrates' court acting for the same petty sessions area as the justice.
- (3) Without prejudice to the powers under subsection (2) above, if a justice of the peace is satisfied by information on oath that there are reasonable grounds for believing that a child to whom this section applies is in premises specified in the information, he may

issue a search warrant authorising a person named in the warrant, being an officer of the local authority in whose care the child is, to search the premises for the child; and if the child is found, he shall be placed in such accommodation as the local authority may provide for him under Part III of this Act.

- (4) A person who, without reasonable excuse, fails to comply with a summons under subsection (2) above shall, without prejudice to any liability apart from this subsection, be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

*Provisions relating to children in care of local authorities by virtue of care order etc.*

## **16 Recovery of children subject to care order etc.**

- (1) If any child—
- (a) who is committed to the care of a local authority by a care order or by a warrant under section 23(1) of the Children and Young Persons Act 1969 (which relates to remands to the care of local authorities); or
  - (b) who is in the care of a local authority in pursuance of arrangements under section 29(3) of that Act (which relates to the detention of arrested children),
- is absent from the premises at which he is required by the local authority to live at a time when he is not permitted by the local authority to be absent from the premises, he may be arrested by a constable anywhere in the United Kingdom or the Channel Islands without a warrant and shall if so arrested be conducted, at the expense of the authority, to those premises or such other premises as the authority may direct.
- (2) If a magistrates' court is satisfied by information on oath that there are reasonable grounds for believing that a person specified in the information can produce a child who is absent as mentioned in subsection (1) above, the court may issue a summons directed to the person so specified and requiring him to attend and produce the absent child before the court; and a person who without reasonable excuse fails to comply with any such requirement shall, without prejudice to any liability apart from this subsection, be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (3) Without prejudice to its powers under subsection (2) above a magistrates' court may, if it is satisfied by information on oath that there are reasonable grounds for believing that a child who is absent as mentioned in subsection (1) above is in premises specified in the information, issue a search warrant authorising a constable to search the premises for that child.
- (4) A person who knowingly compels, persuades, incites or assists a child to become or continue to be absent as mentioned in subsection (1) above shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400 or to both.
- (5) The reference to a constable in subsections (1) and (3) above includes a reference to a person who is a constable under the law of any part of the United Kingdom, to a member of the police in Jersey and to an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958 or any corresponding law for the time being in force.
- (6) In the application of subsections (2) and (3) above to Northern Ireland, " magistrates' court" means a magistrates' court within the meaning of the Magistrates' Courts Act (Northern Ireland) 1964.